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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 6th meeting
Held at Headquarters, New York, on Friday, 9 October 2009, at 3 p.m.

Chairman:	Mr. Al-Nasser	(Qatar)
later:	Mr. Petrus (Vice-Chairman)	(Lithuania)
later:	Mr. Al-Nasser (Chairman)	(Qatar)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 3.10 p.m.

Agenda item 35: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/64/23 and Corr.2, chaps. VII and XII, and A/64/67)

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1. **Mr. Mbuende** (Namibia), speaking on behalf of the Southern African Development Community (SADC), said that it was disheartening that 16 Non-Self-Governing Territories still remained, Western Sahara being the last colony on the African continent. Since the General Assembly had consistently recognized the inalienable right of the Saharawi people to self-determination and independence, the continued foreign occupation challenged the authority of the United Nations even as it threatened peace, security and stability on the African continent.

2. SADC was concerned that the Secretary-General had reported that the positions of the two parties to the conflict — the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) — had remained virtually the same since the fourth round of negotiations, held in March 2008; the Secretary-General and his Personal Envoy for Western Sahara were to be commended for their efforts to move the process into an intensive, substantive fifth round of negotiations. SADC would support all efforts aimed at a speedy resolution to the question.

3. While it was encouraging that ceasefire violations had declined, there had been alarming reports of Moroccan threats against human rights defenders visiting the occupied Territory of Western Sahara and of frequent human rights violations against the Saharawis. The Secretary-General should immediately launch an investigation and submit a report to the Security Council, the General Assembly and the Human Rights Council.

4. **Mr. Onanga Ndiaye** (Gabon) said that his Government had always attached great importance to multilateralism and the centrality of the United Nations in world affairs. The Organization must continue its efforts to eradicate colonialism through better implementation of the relevant resolutions and the encouragement of new approaches that would meet the goals and specific requirements of the remaining 16 dependent Territories. Gabon had always been convinced that there was no single formula for ending colonial situations and that they required individualized solutions.

5. In the specific case of Western Sahara, welcome progress had been made through dialogue and negotiation and in accordance with Security Council resolutions 1754 (2007) and 1783 (2007). The Moroccan autonomy initiative, described by the Security Council as a serious and credible proposal, would give broad autonomy to Western Sahara under Moroccan sovereignty, with respect for the Kingdom's territorial integrity. It postulated a manner of exercising self-determination within the State itself, which was not only bold but above all realistic. Gabon, together with many other countries, supported that initiative because it took into account the interests of both parties and could lead to a permanent settlement. The direct negotiations held under the auspices of the Secretary-General had to be given a new impetus, since the dispute risked destabilizing the entire region and giving rise to criminal activities. The Committee should continue to promote progress towards a political solution that would be mutually acceptable to all the parties to the dispute, which should themselves seek rapprochement for the sake of the peace and development of the entire Maghreb.

6. **Mr. Tiendrébéogo** (Burkina Faso) said that with cooperation between the people of the 16 remaining

Non-Self Governing Territories and their occupying or administering Powers, it ought to be possible for them to advance towards self-determination. In the meantime, the United Nations and the international community must continue to support the Territories' social and economic development, especially in view of the current economic crisis and the susceptibility of most of them to climatic threats.

7. It was gratifying that, despite the difficulties, the momentum of the direct negotiations on the question of Western Sahara had been maintained and the parties remained committed to exploring ways of reaching a just and mutually acceptable political solution for the self-determination of the people of Western Sahara. His delegation commended the efforts made by the Secretary-General's Personal Envoy and the invaluable work of the United Nations Mission for the Referendum in Western Sahara (MINURSO). His Government believed that the Moroccan initiative regarding negotiated autonomy for the Saharan region was an appropriate path towards settlement of the dispute. It was essential for the parties, with regional and international support, to begin negotiating substantive issues and to make the compromises needed to overcome their differences.

8. **Mr. Hermida Castillo** (Nicaragua) said that the administering Powers must cooperate fully with the Special Committee if the dependent Territories were to be spared further decades of colonial oppression and pillaging. Each year petitioners from the Territories provided valuable information about the difficult conditions under which the inhabitants lived, which included human rights violations, the exploitation of natural resources, environmental destruction and disdain for life and liberty. The presence of foreign military installations or bases in any Territory was a serious obstacle to decolonization, and aggravated the contamination of the environment. Only once colonialism was eliminated would the peoples of the Territories fully enjoy their inalienable rights and participate in democracy, which could not exist under conditions of colonial domination. In the coming decade, all dependent peoples must be emancipated once and for all. In the process, the colonial Powers must be guided by the United Nations Declaration on the Rights of Indigenous Peoples.

9. His Government shared the concerns over the political crisis in the Turks and Caicos Islands, where the colonial Power had unilaterally suspended the powers of the elected authorities, and supported the call for the immediate restoration of the constitutional Government.

10. The colonial status of Puerto Rico was a matter of great concern to the Latin American and Caribbean region and had been unambiguously denounced by Nicaragua's President. The last seven resolutions adopted by the Special Committee on Puerto Rico had called for the colonial Power to allow the people of Puerto Rico to exercise their inalienable right to self-determination and independence. The colonial Power must agree to work constructively to resolve the status of Puerto Rico so that it would not continue to be the sole exception to decolonization in Latin America and the Caribbean.

11. Nicaragua also stood in solidarity with the national liberation struggle of the Saharawi people. The two parties involved, the Kingdom of Morocco and the Saharan Arab Democratic Republic, must continue their negotiations without preconditions and in good faith, so that the referendum of self-determination in Western Sahara — which included the option of independence for the Territory — could at last be held.

12. With regard to the Malvinas Islands, South Georgia Islands and South Sandwich Islands, it should be recognized that Argentina stood ready to resume negotiations on the sovereignty dispute between that country and the United Kingdom. Nicaragua unconditionally supported the legitimate sovereignty of Argentina over the Malvinas Islands and urged the United Kingdom to comply with the relevant United Nations resolutions in order to achieve a speedy, just and lasting settlement.

13. **Mr. Loayza Barea** (Bolivia) said that transparent political will was essential if the goals of the Second International Decade for the Eradication of Colonialism were to be achieved. The focus must now be on dialogue in order to address unresolved situations in such a way as to respect the identity and specificities of the Territories concerned. The administering Powers must commit themselves more fully to that dialogue in order to avoid neocolonialist tendencies. The situation in the Turks and Caicos Islands was in clear contradiction of the decolonization process. The Special Committee must carefully analyse the current realities, paying attention to mechanisms that reproduced aspects of colonization and tended

towards greater homogenization, the antithesis of decolonization.

14. The decolonization process must extend to not just the legal sphere, but also the economic, social and cultural spheres. In that regard, the provision of financial resources was essential to ensuring that the United Nations could continue its work in the economic and social spheres.

15. His Government reiterated its support for Argentine rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and stressed the need for all such disputes to be resolved on the basis of constructive dialogue and mutual trust. It fully supported the right of the Puerto Rican people to exercise their inalienable right to self-determination and independence, in accordance with the purposes and principles of the Charter of the United Nations and international law. Direct dialogue could create a climate of constructive understanding between the parties involved in the question of Western Sahara, and must therefore be supported in the interests of finding a solution that would respect the sovereign right of the Saharawi people to decide on their own future, thereby helping to ensure the stability and peace of the surrounding area.

16. **Mr. Tessema** (Ethiopia) said that his delegation strongly believed that, in order to accelerate the process of eradicating colonialism, the support and cooperation of the administering Powers, legitimate representatives of Non-Self-Governing Territories and Member States were vital. Regrettably, in a flagrant violation of the right to self-determination enshrined in the Charter of the United Nations and elsewhere, some administering Powers were still unwilling to cooperate with the Special Committee. It was absolutely critical to set action-oriented objectives and to explore a different approach to the immediate and full implementation of the Declaration on decolonization.

17. The work carried out in the Territories by the international community, particularly the United Nations funds and programmes, as well as the specialized agencies, needed to be enhanced in order to improve the inhabitants' socio-economic conditions. Similarly, the oversight function of the Special Committee, often performed against a backdrop of fierce resistance from the administering Powers, needed to be bolstered in order to keep pace with changing world circumstances. The action-oriented recommendations contained in the Special Committee's report should be given the utmost consideration in addressing the environmental, socio-economic and other development problems of the Non-Self-Governing Territories. The principle of self-determination, including independence, should remain the only acceptable political solution for all the remaining Non-Self-Governing Territories.

18. **Ms. Booto** (Democratic Republic of the Congo) commended Morocco's initiative regarding negotiated autonomy for the Saharan region, which should make it possible to achieve a just, lasting and mutually acceptable solution for the self-determination of the people of Western Sahara. The Security Council had a central role to play in the matter; the General Assembly should adopt a consensus resolution expressing support for Security Council resolutions 1754 (2007), 1783 (2007), 1813 (2008) and 1871 (2009) and seeking to protect the ongoing negotiations between the parties from any outside interference. His Government commended the efforts made by the Secretary-General and his Personal Envoy to find a lasting solution and called on all the States of the region to show a commitment to dialogue and the political will to promote a solution acceptable to all.

19. **Mr. Idd** (United Republic of Tanzania), referring to the question of Western Sahara, welcomed the informal preparatory meetings between Morocco and the Frente POLISARIO and the willingness of both parties to move to a fifth round of negotiations. He recalled that, at its recent special session, the African Union had called for the intensification of efforts towards holding a referendum to enable the people of the Western Sahara to decide on the future status of their Territory, in line with the principle of self-determination. The right to self-determination was the governing principle of the decolonization process, encompassing respect for human rights and for the territorial integrity of the country concerned. His Government commended the Secretary-General for the efforts made by his Personal Envoy and in the context of the Maghreb process and called on all States, especially those in the Maghreb region and the Mediterranean basin, to deepen their support for the initiatives of the Secretary-General. It also called upon the Security Council to use its authority to advance the process and break the stalemate in the conflict.

20. The draft resolution on the question of Western Sahara was a necessary means of encouraging and advancing negotiations by the parties in good faith and without preconditions during the fifth round. The reference to humanitarian dimensions as a confidence-building measure should lead the relevant bodies, including the International Committee of the Red Cross, to address comprehensively all such issues which had arisen during the conflict.

21. *Mr. Al-Nasser (Qatar) resumed the Chair.*

22. **Mr. Costa** (Mozambique) emphasized the need to complete the decolonization processes all over the world. The question of Western Sahara had remained unresolved for many years, and deserved special attention from the General Assembly. His Government hoped for an end to the repeated delays in implementing the Security Council resolutions calling for a referendum in Western Sahara, and urged all parties to renew their commitment to reach a political solution that would enable the people of the Territory to enjoy their right to self-determination. It was encouraged by the recent resumption of the dialogue between Morocco and the Frente POLISARIO, which was a significant step towards the achievement of an acceptable and durable political solution to the question of self-determination of the people of Western Sahara. His Government supported the relevant resolutions of the Security Council, and especially resolution 1871 (2009), as key instruments in the pursuit of negotiations.

23. **Mr. Puri** (India), recalling his country's own independence in 1947 as one of the most important milestones in the history of decolonization, said that it was a sad reflection that the United Nations still had to concern itself with the issue of colonialism, a product and concept of an exploitative past. Colonialism ran counter to the principles of sovereign equality on which the United Nations and other modern multilateral systems were based and contravened the fundamental tenets of democracy, freedom, human dignity and human rights.

24. He recalled that General Assembly resolution 1541 (XV) defined full self-government as one of three possible options: independence, free association with an independent State, or integration into an independent State. The goal of self-determination should be approached with a combination of urgency and special attention to the needs of the people of the Territories themselves. Many of the Territories had already made considerable progress towards self-government. The issue was to find the appropriate format and timing for the completion of decolonization in each case. The role of the Special Committee was as crucial as it was delicate: it must ascertain the political aspirations of the people in each of the Territories and take into account their stages of development so as to ensure that they were able to acquire for themselves the political and socio-economic institutions and structures of their choice. The administering Powers had a special responsibility in that regard. The Special Committee must engage them in a constructive and meaningful discussion because cooperation, not confrontation, was the key to the Organization's work. Fortunately, that spirit had imbued the ongoing dialogue with the administering Powers.

25. Dissemination of information to the people in the Territories was crucial since, on occasion, the local population might be unaware of the legitimate political options that were available. For real constitutional and political advancement to occur, the people must have sustained access to unbiased information. Visits by United Nations missions to Non-Self-Governing Territories and the conduct of regional seminars were important tools for bridging the information deficit in the decolonization process. The administering Powers should facilitate the visiting missions for they were a source of first-hand information on conditions in the Territories and on the wishes of the people concerning their future status and were useful in planning further action.

26. India, as a founding Member of the United Nations and of the Special Committee and as an original sponsor of the Declaration on decolonization, had been in the vanguard of the struggle against decolonization. It reaffirmed its commitment to the noble ideals set out in the Declaration.

27. **Mr. Vunibobo** (Fiji) said that the Committee's work, like that of the Special Committee, had become even more pressing as it addressed the remaining 16 Non-Self-Governing Territories. There was a measured optimism as the Committee moved closer to the achievement of decolonization, but also a sense of the ever-increasing challenges. Colonial attitudes and agendas persisted, and new political, financial and other difficulties faced a Non-Self-Governing Territory as it tried to build a viable system of governance on its own. Fiji itself had embraced its independence with

great enthusiasm 40 years earlier, but its path to a better life for all its people had not been smooth or easy.

28. While there could never be certainty about the ideal time for the leap into self-governance or independence, it was absolutely crucial that such a decision take into full account the sustainability of a self-governing entity or government and the people's long-term welfare. The administering Powers had a crucial role to play in the preparations by the Non-Self-Governing Territories for the point at which such a decision could be made; the close and even-handed support of the Committee was also essential throughout that process. The interests of the people of the Territories must always be paramount. Decolonization in general, but especially in the Malvinas Islands, Western Sahara and certain Caribbean Territories, was impeded by a lack of cooperation among stakeholders: the Committee must find alternative ways of resolving the difficulties.

29. Even though decolonization had been appropriately pursued by the United Nations as a political process, a viable political entity could not exist in a vacuum. Deeper attention had to be paid to economic and social considerations in order to ensure a peaceful and permanent political status in the Territories. In the Pacific region, the administering Powers had invested significant effort in establishing and improving social and economic conditions in Guam, New Caledonia and Tokelau; his Government urged them to continue to deepen their support. It called on the Committee to support New Caledonia's offer to host the annual regional seminar and suggested that further consideration be given, in consultation with the administering Power, to sending a visiting mission to New Caledonia. In the light of the representations made by the petitioners from Guam regarding the express wishes of the Chamorro people for self-determination, his delegation wondered whether the Committee could find an alternative way of analysing more closely the information provided by the petitioners. His Government reiterated its call to the administering Power to renew its commitment to the decolonization process.

30. **Mr. Sial** (Pakistan) said that Pakistan hoped that the Committee would focus on the implementation of the United Nations resolutions and decisions concerning the unfinished decolonization agenda, for the progress had not matched the goals, owing to a lack of political will on the part of the administering Powers. The case of Tokelau, however, had set a benchmark for all others to emulate. The administering Powers must create the conditions favourable to self-determination; the United Nations had the twofold responsibility of providing assistance to the Territories through the appropriate specialized agencies and international institutions and keeping the people of the Territories cognizant of the options available to them.

31. Decolonization and the right to self-determination could not be limited to Non-Self-Governing Territories alone. Their application was universal, and their denial bred discontent and ignited conflicts. In South Asia, the inalienable right to self-determination of the people of Jammu and Kashmir was recognized by a number of Security Council resolutions. Pakistan was committed to finding a peaceful resolution of the dispute that was acceptable to all sides, India, Pakistan and, above all, the Kashmiri people. A resolution of that dispute was imperative for durable peace, stability and progress in South Asia.

32. In the Middle East, the continued denial of the Palestinian people's right to self-determination was the underlying cause of conflict and the chief impediment to a comprehensive peace. Pakistan continued to support the just struggle of the Palestinian people for peace and freedom. Similarly, a just and mutually acceptable settlement of the Western Sahara issue could bring peace to that region and better opportunities to millions of its inhabitants. It was to be hoped that the relevant parties would achieve peace through ongoing negotiations in a spirit of accommodation and goodwill.

33. **Ms. Viotti** (Brazil) observed that since the proclamation of the first International Decade for the Eradication of Colonialism, only Timor-Leste had been decolonized, and prospects were still dim for the remaining Non-Self-Governing Territories. One way to revitalize the decolonization agenda would be to take more of a case-by-case approach in both the Special Committee and the Fourth Committee, focusing on the specificities of each Territory, including differences in their colonial relationships and in their ethnic, social and economic structures. The case of the Malvinas Islands for example, had long been recognized by the United Nations as a special and particular colonial situation involving a sovereignty dispute. Brazil reiterated its support for the legitimate rights of Argentina, and encouraged it and the United Kingdom

to resume bilateral negotiations in order to find a peaceful, just and lasting solution to that protracted controversy.

34. In most Territories, the way to decolonization was the exercise of the right to self-determination. While several territorial constitutions were being modernized to increase participation by the local population, full exercise of the right to self-determination remained to be achieved.

35. Many small island Territories had been particularly affected by natural disasters, climate change, and the economic and financial crisis. In that regard, Brazil commended the recent emergency response and humanitarian activities of the administering Power of American Samoa. Such problems would only worsen and could threaten the very existence of small islands. All administering Powers and the United Nations should take into account the special needs of small island Territories.

36. Brazil welcomed the informal talks held in August 2009 by the Secretary-General's Personal Envoy in preparation for a fifth round of negotiations on Western Sahara, and hoped that they would lead to more substantive talks between the parties and a mutually acceptable political solution.

37. **Ms. Graham** (New Zealand), welcoming draft resolution V on the question of Tokelau, said that it was relevant to New Zealand both as the administering Power and also as a country strongly committed to the principle of self-determination. It had been two years since the people of Tokelau had voted in a United Nations-supervised self-determination referendum where, for a second time, Tokelau's electorate had not reached the threshold they themselves had set for a change of status from that of Territory to one of self-government in free association with New Zealand. Tokelau and New Zealand had then decided to focus primarily on further improving essential services on the atolls, rather than moving in the medium term to a further act of self-determination. At a time when global challenges put extra pressure on small and vulnerable communities like Tokelau, the focus on core needs of the population seemed particularly appropriate. Tokelau's needs were met primarily by New Zealand but assistance was also provided by the international community and members of the United Nations system, particularly the United Nations Development Programme working through its regional office in Samoa, and the World Health Organization.

38. The right to self-determination, though fundamental, was not sufficient on its own. The peoples who exercised it must also have the opportunities to develop fully; that was New Zealand's commitment to the people of Tokelau. It welcomed the ongoing interest of the Special Committee in the Territory and would continue to report to it on developments there.

39. **Mr. Ramafole** (Lesotho) observed that it would be difficult for an average person in Lesotho, a former colony, to understand why it was that there were nations still under colonial rule even in the twenty-first century. It was only when people had the right to determine their own destiny that there would be fewer conflicts and more economic development. Each nation was unique and the cultural identity of the peoples of the world must be preserved against potential destruction by colonization. His delegation encouraged all parties still engaged in the decolonization process to continue with all diplomatic efforts to bring a speedy end to colonialism.

40. Western Sahara's continued colonization was a cause of concern; Africa would not be free until the Saharawi people attained their freedom. Lesotho welcomed the preparations by the Secretary-General's Personal Envoy for the next round of negotiations, in which the parties should engage with renewed zeal as equals and without preconditions. Lesotho had confidence that the Government of Morocco and the Frente POLISARIO would find common ground in their search for the liberation of the people of Western Sahara.

41. **Mr. Oyarzun** (Spain) recalled that numerous resolutions and decisions of the General Assembly had recognized that the colonial situation in Gibraltar was in violation of the Charter of the United Nations since it undermined the unity and territorial integrity of Spain. The principle of self-determination could not be applied to the decolonization of Gibraltar because the current inhabitants were not a colonized people but had been used to dispossess the indigenous Spanish population. The United Nations doctrine on the decolonization of Non-Self-Governing Territories firmly established the protection of the rights of the indigenous inhabitants vis-à-vis the interests of the colonizers.

42. In the case of Gibraltar, there were two overlapping disputes: the first, on sovereignty, referred to the territory transferred by the Treaty of Utrecht that should be returned to Spain in application of the United Nations decolonization doctrine. The second dispute referred to borders, since part of the Territory had been occupied by the United Kingdom without any legal basis. Spain must fully recover jurisdiction over the isthmus, which was currently being illegally exercised by the United Kingdom.

43. Although attempts had been made to convince the Committee to artificially separate the issues of decolonization and sovereignty and consider them separately, the United Nations had consistently held that in the case of Gibraltar those disputes, which undermined the territorial integrity of Spain, were inseparable and constituted a clear violation of its decolonization doctrine. The United Nations had adopted numerous decisions and resolutions since 1964 calling for bilateral negotiations between the United Kingdom and Spain with a view to reaching a negotiated solution that took into account the interests of the inhabitants of the colony. His Government once again affirmed its readiness to resume direct talks with the United Kingdom.

44. The United Kingdom could not use the new Constitutional Decree it had granted to Gibraltar, or the vote in a referendum in which British citizens who were residents of Gibraltar had participated, to justify not complying with United Nations resolutions. Nor should it succeed in its attempts to remove Gibraltar from the list of Non-Self-Governing Territories without following the relevant procedures established by the Organization. It was unacceptable for the United Kingdom to claim that its commitment to the people of Gibraltar not to reach any agreements or understandings on the issue of sovereignty against their wishes justified not resuming the negotiations with Spain which had been suspended in 2002. It was likewise unacceptable to describe United Nations doctrine as anachronistic or to attempt to abandon the principle of territorial integrity, one of the basic principles of international law.

45. His Government would continue to work diligently within the Forum for Dialogue on Gibraltar with a view to resolving issues relating to local cooperation for the social welfare and economic development of the inhabitants of Gibraltar and the Campo de Gibraltar. At the ministerial meeting of the Forum held in July 2009, with the participation of the Spanish Minister for Foreign Affairs and Cooperation, a framework had been established for continued progress in six new areas of cooperation, which, along with the measures adopted in the first phase of the Forum, would improve the well-being and standard of living of the inhabitants of Gibraltar and the Campo de Gibraltar.

46. **Mr. Al Zayani** (Bahrain) said that the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples had attracted particular attention from the international community, reflected as they were in such key instruments as the Charter of the United Nations and the Universal Declaration on Human Rights, all of which together constituted effective terms of reference to which the Millennium Declaration had added momentum. The fiftieth anniversary of the Declaration, to be commemorated in 2010, would provide a historic opportunity for taking stock of the progress achieved by the United Nations towards the eradication of colonialism and foreign occupation. The fact that the Second International Decade for the Eradication of Colonialism was soon to end without having achieved its aim should not give rise to despair insofar as it had further stimulated systematic efforts to attain the objectives of the Declaration. Such efforts had contributed to overcoming the obstacles faced by colonial countries and peoples in breaking free of colonialism and foreign occupation in order to acquire their rightful independence and sovereignty, without which their ability to pursue social, economic and cultural cooperation was compromised. In short, it was the right and duty of all States, individually and collectively, to eliminate colonialism, apartheid and racial discrimination.

47. *Mr. Al-Nasser (Qatar) resumed the Chair.*

48. **Mr. Mas** (Papua New Guinea) said that although the end of the Second International Decade for the Eradication of Colonialism was approaching, much remained to be done to promote self-determination in the remaining Non-Self-Governing Territories. The Special Committee would therefore continue to have an important role to play. His delegation called on all administering Powers to enhance their cooperation with that Committee and facilitate progress towards self-determination for the remaining Non-Self-Governing Territories.

49. Papua New Guinea would continue to support dialogue between the peoples of the five Non-Self-Governing Territories in the Pacific region and the administering Powers concerned. His Government commended the administering Power, the United States of America, for the emergency relief and support it had provided following the recent earthquake and tsunami in American Samoa and encouraged it, at an appropriate time, to address the concerns of the people of American Samoa regarding the status of that Territory. Along with other Pacific countries, Papua New Guinea was helping the rebuilding efforts. His Government acknowledged the appeals made by the Chamorro people of Guam and supported dialogue between the people of Guam, the administering Power and the Special Committee with a view to settling the future status of the Territory.

50. He welcomed the participation in the work of the Committee of a delegation from New Caledonia headed by the President of New Caledonia that was representative of all political factions, a sign of increasing cooperation in that Territory. He also commended the representatives from the Front de liberation nationale kanak socialiste (FLNKS) for their participation in the Committee's work. His Government was encouraged by the efforts of the administering Power to work with the territorial Government and the Special Committee with a view to advancing progress in the process of self-determination, supported the offer by New Caledonia to host the Special Committee's next regional seminar in 2010 and suggested that a United Nations visiting mission be undertaken at the same time as the seminar.

51. Tokelau continued to be a model for the process of self-determination. His Government understood the decision of the General Fono to defer any future act of self-determination following the two failed referendums in February 2006 and October 2007 and was encouraged by the continuing efforts of New Zealand and Tokelau to strengthen essential services and infrastructure on Tokelau, ensure ongoing development and work towards the achievement of self-determination.

52. **Mr. Hosseini** (Islamic Republic of Iran) said that decolonization must remain a top priority on the international agenda; the United Nations should consolidate its efforts to advance the decolonization process and Member States should support the effective implementation of the Plan of Action for the Second International Decade for the Eradication of Colonialism. Since decolonization was a political process, in the absence of political will, especially on the part of the administering Power, it was doomed to failure. All parties must fulfil their obligations and speed up the decolonization process in the remaining 16 Territories. The Special Committee should adopt a more effective method of work and improve its interaction and cooperation with the administering Powers. He called on delegations to cooperate in strengthening the role of the General Assembly and the Special Committee in the decolonization process.

53. He stressed the importance of full involvement of the peoples of the Non-Self-Governing Territories in the decolonization process. The administering Powers must support their full and effective participation and the United Nations should facilitate their participation in relevant United Nations meetings and put in place a more effective mechanism for receiving and considering communications from individuals and groups from the Territories concerned.

54. The administering Powers must clearly define their decolonization policies and programmes in the Non-Self-Governing Territories and regularly inform the United Nations, in particular the Special Committee, about their efforts to increase political awareness and enable self-government in the Territories and to improve living standards. Window-dressing policies and the promotion of a colonial mentality aimed at preserving colonial rule should have no place in their respective agendas. He underscored the administering Powers' responsibility for the economic, social and educational development of the peoples of the Non-Self-Governing Territories because only people who had attained a certain level of political and legal maturity and awareness of their rights and were free from any kind of colonial mindset or mentality could freely decide on their future.

55. **Mr. Ekua Avomo** (Equatorial Guinea) expressed support for the considerable efforts made by the United Nations in recent years to promote a peaceful, negotiated and lasting solution of the question of Western Sahara which would contribute to peace, stability and reconciliation in the Maghreb region. The international community should continue to support the current negotiation process. In that context he expressed support for the proposal by the Kingdom of Morocco to grant wide-ranging autonomy to Western Sahara, which in his delegation's view satisfied the

criterion of self-determination set out in the Charter of the United Nations and constituted a realistic compromise that could serve as the basis for a negotiated solution to the dispute. His Government reiterated its support for the territorial integrity of Morocco.

56. **Mr. Maboundou** (Congo) reaffirmed his country's support for the decolonization process, in line with General Assembly resolution 1514 (XV). The Special Committee, with the participation of the administering Powers and representatives of the Non-Self-Governing Territories, played a key role in the process and in monitoring the situation in those Territories. Greater cooperation and interaction between the Special Committee and the administering Powers were essential to the task of decolonization.

57. He welcomed the progress achieved on the question of Tokelau and commended the cooperation between New Zealand and the territorial administration of Tokelau at all stages of the negotiations, including the referendums held in October 2006 and November 2007. Concerning the question of Western Sahara, his delegation reiterated its support for Security Council resolutions 1754 (2007), 1783 (2007) and 1813 (2008) and for all the initiatives of the Secretary-General and urged the parties to demonstrate political will and work towards a more intensive phase in the negotiations on the substantive issues in order to achieve a just, lasting and mutually acceptable solution.

58. His delegation supported the work of the United Nations Information Centres and the Department of Public Information in promoting the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It also welcomed the close cooperation between the Department of Political Affairs and the Department of Public Information in disseminating information about the decolonization mandate of the United Nations to the peoples of the Non-Self-Governing Territories.

59. **Mr. Zinsou** (Benin) expressed support for the efforts of the Secretary-General to promote dialogue among the parties on the question of Western Sahara with a view to guaranteeing the population of Western Sahara their right to self-determination in accordance with their freely expressed wishes. He welcomed the proposal from Morocco to give autonomous status to Western Sahara, and its endorsement by the General Assembly and the Security Council, and commended the preparations for the fifth round of negotiations. All the parties — Morocco, Algeria and the Frente POLISARIO — must transcend their differences with a view to putting an end to the suffering of the people of Western Sahara, which could only be exacerbated if the parties were unable to prevent continued instability. The draft resolution on Western Sahara must establish the framework for renewal of the Manhasset negotiations, taking into account the constructive spirit of the Dürnstein consultations. Differences concerning the text of the draft resolution must be surmounted in order to ensure it was adopted by consensus, as that would send a clear signal to the next round of negotiations.

60. **Mr. Kapambwe** (Zambia) said that his delegation strongly supported the call by the African Union in August 2009 for the holding of a referendum to enable the people of Western Sahara to exercise their inalienable right to self-determination. The international community had repeatedly called for the holding of such a referendum but no referendum had ever been held. The credibility of the United Nations rested on its ability to implement its decisions. Its failure to act decisively in cases such as Western Sahara was a major disappointment not only to the people of that region but also to all peoples throughout the world who were still struggling for their inalienable right to self-determination The people of Western Sahara could not be expected to exercise restraint indefinitely. The United Nations must act to ensure that the parties respected the agreements they had freely negotiated and signed and that its own resolutions were implemented. It must act to put an end to the human rights abuses said to be occurring in Western Sahara, beginning by sending an international investigation mission to the areas controlled by both sides.

61. His Government enjoyed good relations with both Morocco and the Frente POLISARIO and supported the ongoing negotiations. It called on the parties to recognize that sovereignty resided in peoples, not Governments. It was therefore essential to allow the people to express themselves and exercise their sovereign right to self-determination. Only a solution based on a referendum with a full set of options, including independence, could constitute the true exercise by the people of Western Sahara of their sovereign right to self-determination.

62. **Mr. Oussein** (Comoros) said that Africa continued to be the continent that suffered most from

the destabilizing effects of conflict; it needed peace, security and stability in order to confront the many challenges it was facing and combat underdevelopment. In Western Sahara and elsewhere, force of arms and intransigence must give way to negotiation, especially since the parties to the conflict were one and the same nation, sharing the same cultural and religious values.

63. His delegation believed that the Moroccan proposal of broad autonomy for Western Sahara was a wise and reasonable one for all the parties concerned and would guarantee national integrity and stability throughout the region. It supported Security Council resolutions 1871 (2009), 1754 (2007), 1783 (2007) and 1813 (2008) and welcomed the Secretary-General's commitment to successful negotiations aimed at achieving a fair and lasting political solution to the dispute. His Government called on the parties to overcome their differences and enter into a frank and sincere dialogue.

64. **Mr. Benmehidi** (Algeria) said that his delegation applauded the General Assembly's firm and rigorous attitude to decolonization and unreservedly subscribed to the exercise of the right to self-determination by the peoples of the Non-Self-Governing Territories, a principle that was enshrined in Algeria's Constitution and was a permanent feature of its foreign policy. The soundness of that position was perfectly exemplified by Timor-Leste, Namibia and Western Sahara.

65. A decade previously East Timor had been able to express its wishes through a referendum, putting an end to an anachronistic colonial situation condemned by the international community. As Timor-Leste, it had joined the community of nations and now contributed to preserving peace and stability in the region and to meeting United Nations goals. In Africa, the people of Western Sahara were still waiting for the United Nations to enable them to exercise their inalienable right to self-determination in internationally guaranteed conditions of legality, freedom and integrity. In order to rescue the conflict from the impasse, a determined, proactive and visionary approach was needed.

66. From the outset of the conflict the United Nations and the African Union had constantly worked together to restore the full rights of the people of Western Sahara; they had sought to define a framework for a negotiated settlement founded on the goodwill of both sides and sacrificing nothing of the Western Saharan people's inalienable and irreversible right to self-determination. The African Heads of States and Government, meeting recently in Tripoli, had urged the parties to the conflict and the United Nations to step up their efforts to hold a referendum to enable the people of the Territory to choose between independence and integration into the Kingdom of Morocco.

67. In the context of the United Nations, the issue of Western Sahara was clear. Security Council resolution 1754 (2007), which had been adopted by broad consensus, called upon the parties to enter into negotiations without preconditions, in order to move out of the impasse. That resolution and subsequent resolutions were delicately balanced, affording equal attention to the proposals of both parties. However, while the General Assembly and the Security Council had constantly reiterated their support for a referendum, their procrastinations had held up the continuation of direct talks for over a year. Algeria welcomed the recent talks between the Kingdom of Morocco and the Frente POLISARIO and paid tribute to the efforts made by the Personal Envoy of the Secretary-General for Western Sahara, whose appointment had undeniably helped restore a climate of trust. Algeria, as a neighbouring observer country, supported that process under the terms of reference established by the Secretary-General. It was fully aware of its responsibilities towards the peoples of the region and, convinced that peace in Western Sahara was in the interest of all peoples of the region, had striven to improve the political atmosphere between the two parties in order to promote a concerted implementation of the provisions of the Security Council and General Assembly resolutions. It would continue to lend its support for a consensual solution.

68. More than 18 years after the establishment of MINURSO, the Territory of Western Sahara remained closed to foreign observers and inaccessible to United Nations human rights mechanisms, an exception that the international community must remedy. The peoples of the region were linked by a common destiny; Algeria was determined to work with its neighbours to relaunch the process of Maghreb construction on solid, lasting foundations, and bring about a just and lasting settlement of the Western Saharan conflict, which would make a decisive contribution to the peace, stability and unity of the entire Maghreb region.

69. **Mr. Zoumanigui** (Guinea) said that while great progress had been made in the decolonization process, more effort was needed to give the remaining Non-Self-Governing Territories the opportunity to select one of the three options set out in General Assembly resolution 1514 (XV). All actors in the decolonization process had a political and moral obligation to redouble their efforts to implement the Plan of Action of the Second Decade for the Elimination of Colonialism. His delegation welcomed the holding of the Caribbean regional seminar in Saint Kitts and Nevis in May 2009, supported the conclusions of that seminar and called on the Special Committee to intensify its cooperation with the administering Powers and representatives of the Territories with a view to promoting decolonization by developing programmes of work appropriate for each Territory. The Special Committee should also continue to organize regional seminars.

70. His Government appreciated the efforts of the Secretary-General to find a negotiated solution in Western Sahara that was acceptable to both parties and noted the willingness of the parties involved to cooperate in those efforts in order to find a prompt solution, ensure the stability, integration and development of the region and enable the Saharawi refugees to return to a normal life. It welcomed the close cooperation between the African Union observer mission and MINURSO and commended the parties' efforts to remove mines and unexploded munitions and the progress made in humanitarian demining. Bearing in mind the political will demonstrated by the parties at the recent meetings in Austria, his delegation expressed its support for the Moroccan initiative for the negotiation of a status of autonomy for Western Sahara. It called on the parties to intensify confidence-building measures, in particular through respect for ceasefire agreements and the strengthening of efforts aimed at reconciliation and the return of refugees.

71. **Mr. Loulichki** (Morocco) recalled that even before gaining its full independence, Morocco had struggled for the freedom of all peoples under colonial domination and had provided diplomatic and material support to genuine liberation movements, especially in Africa. Morocco paid particular attention to the people of Algeria, with whom it had shared the plight of colonial occupation, and supported their aspirations to liberation and independence. His delegation had also worked within the United Nations to draw up the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Declaration had clearly established the need for respect for territorial integrity during the implementation of the principle of self-determination. Multiple colonial occupations had dismembered the Moroccan territory, but Morocco had gradually recovered its territorial integrity between 1956 and 1976.

72. In 1976, Morocco had resisted an attempt to amputate the Saharan part of its national territory and had peacefully recovered its Sahara under a negotiated agreement with Spain. During the recovery process, some of the Saharan population had been deported and confined in camps inside Algerian territory in inhumane conditions, deprived of their basic human rights. Despite Algeria's hostility and opposition to Morocco's inalienable right to territorial integrity and national unity, his Government had made every effort to settle the dispute.

73. After the United Nations had concluded that the referendum stipulated in the defunct settlement plan of 1990 was not viable, his Government had put forward an initiative in April 2007 concerning regional autonomy which provided a framework for a negotiated and lasting settlement that would respect the sovereignty and national unity of Morocco while allowing the region's population to manage their local affairs through democratically elected bodies. That initiative, which included mechanisms to guarantee respect for human rights, had been described by the Security Council as serious and credible and had created new impetus in the search for a political solution.

74. The other parties to the dispute had continued their obstructionist policies, however, invoking the issue of Morocco's respect for human rights in its southern provinces. Yet, over the preceding 10 years, Morocco had launched far-reaching reforms to ensure the protection of human rights throughout its territory, including women's rights, human development, transitional justice and the effective exercise of political, economic, social and cultural rights. Those efforts had been recognized by the international community, including the European Union and the Human Rights Council, in the context of its universal periodic review process. His Government fully implemented its international human rights obligations and had established mechanisms and a legal framework for the promotion and protection of human rights.

Human rights were safeguarded throughout the national territory without distinction from region to region.

75. The Personal Envoy of the Secretary-General had visited Morocco twice in 2009 and had witnessed his Government's desire to find a realistic and lasting solution through negotiations. His delegation had participated actively in the Dürnstein consultations, looked forward to the fifth round of discussions and hoped that the other parties would likewise adopt a constructive approach so that the dispute could be resolved and the inhabitants of the camps in Tindouf could return home, help build a modern Morocco and contribute to the prosperity of the Sahara region.

76. His Government was keen to normalize and strengthen its relations of friendship and cooperation with Algeria in the interests of the two peoples and of the Maghreb as a whole. It hoped that the Algerian Government would open the borders which it had unilaterally kept closed for 15 years, impeding communications between two neighbouring peoples and the social and economic development of the Maghreb. The time had come for all the parties to the dispute to move forward in a spirit of compromise and renewed negotiations under the auspices of the United Nations.

77. **Mr. Parham** (United Kingdom), speaking in exercise of the right of reply to the representative of Spain, welcomed the continued progress of the trilateral process of dialogue between his Government and the Governments of Spain and Gibraltar. The implementation of the agreements announced by the Tripartite Forum for Dialogue on Gibraltar, held in Córdoba, Spain, in September 2006, was on track and was working well. The third ministerial meeting of the Forum, held in Gibraltar on 21 July 2009, had reviewed progress on the Córdoba agreements and recommitted the United Kingdom, Gibraltar and Spain to full implementation of those areas still outstanding. His Government welcomed the timetable for making further progress in those areas as agreed by the three parties in the communiqué of July 2009. The positive atmosphere at that meeting and the real difference the Córdoba agreements were making for people on both sides of the border underlined the value of three-way dialogue. His Government continued to enjoy very cordial relations with Spain and to work constructively on all Gibraltar-related issues. The Córdoba agreements were without prejudice to his Government's and Spain's respective views on sovereignty, regarding which his Government noted that the United Nations did not take a view. His Government had no doubt concerning its sovereignty over Gibraltar and the territorial waters surrounding it.

78. He reaffirmed his Government's longstanding commitment to the people of Gibraltar that it would never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes and confirmed that his Government would not enter into a process of sovereignty negotiations with which Gibraltar was not content. While his delegation would join in the consensus resolution on Gibraltar, the reference to the Brussels Process must be seen in that context. The implications of Gibraltar's well-known position on the Brussels Process, as regarded both sovereignty and bilateralism between the United Kingdom and Spain, were clear. His Government called on the Committee to consider how its future deliberations might better take into account the modern relationship between the United Kingdom and Gibraltar, which clearly reflected the wishes of the people of Gibraltar.

79. The 2006 Gibraltar Constitution, which had entered into force on 2 January 2007, provided for a modern and mature relationship between Gibraltar and the United Kingdom. That description would not apply to any relationship based on colonialism. It was regrettable that the Special Committee's outdated approach did not so far seem to have recognized that situation and that the criteria used by the Committee in considering whether a Non-Self-Governing Territory should be de-listed failed to take it into account. His Government shared the view of the Chief Minister of Gibraltar that Gibraltar was politically mature and that the relationship between the United Kingdom and Gibraltar was non-colonial in nature.

80. As a separate Territory, recognized by the United Nations and included since 1946 in its list of Non-Self-Governing Territories, Gibraltar enjoyed the individual and collective rights accorded by the Charter of the United Nations. The new Constitution confirmed the right of self-determination of the people of Gibraltar, the realization of which must be promoted and respected in conformity with the provisions of the Charter and other applicable international treaties. Gibraltar's right of self-determination was not constrained by the Treaty of Utrecht except in so far only as that in his Government's new article X gave

Spain the right of first refusal should the United Kingdom ever renounce sovereignty.

81. While noting that Gibraltar did not share the view that that constraint existed, it was his Government's position that independence would only be an option with Spanish consent. His Government recognized that the act of deciding on their acceptance of the new Constitution in the referendum was an exercise of the right of self-determination by the people of Gibraltar in that context. The referendum, organized by the Government of Gibraltar, with the unanimous approval of the then Gibraltar Assembly, currently the Gibraltar Parliament, constituted a democratic, lawful and entirely proper act.

82. The Constitution did not in any way diminish the United Kingdom's sovereignty over Gibraltar or its full international responsibility for Gibraltar, including its external relations and defence, and as the member State responsible for Gibraltar in the European Union. That fully accorded with the freely expressed views of the people of Gibraltar. His Government did not accept that the principle of territorial integrity had ever been applicable to the decolonization of Gibraltar, nor did it accept that the existence of a sovereignty dispute implied that the people of Gibraltar did not have the right of self-determination.

83. Responding to the representatives of Bolivia, Brazil, Fiji and Nicaragua concerning the Falkland Islands, he said that his Government's position in that regard had been clearly stated by his delegation in its right of reply to the statement by the President of Argentina during the general debate of the General Assembly on 23 September 2009. He reiterated that his Government had no doubts about its sovereignty over the Falkland Islands and that there could be no negotiations in that regard unless and until such time as the Falkland Islanders themselves so wished.

84. Responding to the representatives of Bolivia and Nicaragua with regard to the suspension of the territorial ministerial government of the Turks and Caicos Islands, he stressed that his Government's decision on that serious constitutional measure had not been taken lightly. The suspension would last up to two years and would allow the Governor time to restore good governance, sustainable development and sound financial management. His Government remained committed to the holding of elections by July 2011, if not sooner.

85. **Mr. Ray** (India), speaking in exercise of the right of reply to the representative of Pakistan, regretted that the representative of Pakistan had seen fit to revert to the language of the past rather than focusing on the need to dismantle the infrastructure that supported terrorism and expressing resolve to take action against those who committed terrorist acts. He stressed that Jammu and Kashmir was an integral part of India and participated fully in the democratic process in India. Lastly, he said that bilateral disputes should not be discussed in multilateral forums.

86. **Mr. Díaz Bartolomé** (Argentina), speaking in exercise of the right of reply to the representative of the United Kingdom, reaffirmed his Government's position that the Malvinas Islands, South Georgia Islands, and South Sandwich Islands and their surrounding maritime areas were an integral part of the territory of Argentina. Since they were illegally occupied by the United Kingdom, a sovereignty dispute existed between the two countries, which had been recognized by various international organizations.

87. The illegal occupation by the United Kingdom had led the General Assembly to adopt numerous resolutions on the question of the Malvinas Islands, all of which recognized the existence of a sovereignty dispute between his Government and that of the United Kingdom over the archipelagos and called on the parties to resume negotiations in order to find as soon as possible a peaceful and lasting solution to the dispute. The Special Committee had repeatedly taken that position, most recently on 18 June 2009. The General Assembly of the Organization of American States had made a similar call in a statement adopted on 4 June 2009.

88. His Government reaffirmed its legitimate sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and their surrounding maritime areas, which were an integral part of the Argentine national territory.

89. **Mr. Sial** (Pakistan), speaking in exercise of the right of reply to the representative of India, stressed that his Government condemned terrorism in all its forms and manifestations; Pakistan was the lead country in the fight against terrorism. With regard to Jammu and Kashmir, he recalled that pursuant to General Assembly resolution 1514 (XV), all peoples had the right to self-determination, and subjection of peoples to alien subjugation, domination and

exploitation constituted a denial of fundamental human rights and was contrary to the Charter of the United Nations. The denial of self-determination to and the suppression of the people of Jammu and Kashmir for 62 years were most relevant to the Organization's decolonization efforts.

90. Jammu and Kashmir were not and had never been an integral part of India. Numerous resolutions of the General Assembly and the Security Council had recognized Jammu and Kashmir as disputed territory and called for a final disposition of the State of Jammu and Kashmir to be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations. Those resolutions had been accepted by both India and Pakistan and were binding on both countries but they remained to be implemented.

91. Although the dispute over Jammu and Kashmir was an international issue, it had been agreed that it would be addressed bilaterally through the Composite Dialogue. His Government had advanced several constructive ideas to resolve the dispute and was awaiting substantive progress towards a resolution. His delegation reserved the right to refer to that issue at the United Nations as necessary.

The meeting rose at 6.45 p.m.